



ERNIE FLETCHER
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR MEDICAID SERVICES
COMMISSIONER'S OFFICE
275 EAST MAIN STREET, 6W-A
FRANKFORT, KENTUCKY 40621-0001
(502) 564-4321 (502) 564-0509 FAX
WWW.KENTUCKY.GOV

JAMES W. HOLSINGER, JR., M.D.
SECRETARY

July 1, 2004

Acquired Brain Injury Services
Provider Letter # A-9

Dear Provider:

The purpose of this letter is to clarify the task of an "S" Corporation which provides services to people in the Acquired Brain Injury Waiver.

An "S" Corporation that is properly formed under the IRS rules and KRS Chapters 271 through 273, would be a "legally constituted entity within the Commonwealth of Kentucky." An "S" Corporation by definition has a limited number of shareholders and often does not issue stock. In fact, many are small operations of one or two individuals.

The regulation 907 KAR 3:090, Acquired Brain Injury Services, Section 2, (14)(h) states, "An ABI provider shall evaluate the performance of each employee upon completion of the agency's designated probationary period and at a minimum of annually thereafter; and (i) Conduct periodic and regularly-scheduled supervisory visits of all professional and paraprofessional direct-service staff at the service site in order to ensure that high quality, appropriate services are provided to the ABI recipient."

An ABI provider of a "S" Corporation with a governing body of only one person may contract with another person or provider for the necessary supervisory visits. The "S" Corporation ABI provider must maintain documentation of the performance reviews and supervisory visits.

Should you have any questions, please contact the Brain Injury Services Unit at (502) 564-3615, Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. Est.

Sincerely,

A handwritten signature in cursive script that reads "Russ Fendley /s/".

Russ Fendley
Commissioner

RF/DH/sd

Cc: Gina Oney
Colleen Ryall
Sheila Davis
File